

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

October 28, 2011

180-Day Exp. Date: January 4, 2011

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: Conservation District Use Application (CDUA) HA-3599
for a Single Family Residence (SFR) & Related
Improvements

**APPLICANT/
LANDOWNER:** Douglas and Dawn Goehring

LOCATION: Kolekole Gulch, Wailea, South Hilo, Island of Hawaii
TMK: (3) 2-9-003:003

AREA OF PARCEL Approximately (\approx) 3.587-acres

USE: \approx .5-acre/21,780-ft²

SUBZONE: Resource

DESCRIPTION OF AREA AND CURRENT USE (Exhibits 1, 2, 3 & 4)

The half acre project area is undeveloped and lies within the Resource subzone of the Conservation District. Two streams border the property, Kolekole on the east side and Kaahikini on the northeast side. The Hawaii Belt Road is to the north of the project site, the Kolekole Beach Park is across Kolekole stream to the east; to the west and south of the parcel is bordered by Mamalahoa Highway. The majority of the property is steep slopes and cliffs that are unusable.

According to the Atlas of Natural Hazards in the Hawaiian Coastal Zone, the nearby low-lying Kolekole Beach Park has an Overall Hazard Assessment of 7 (very high) because of the increased tsunami, stream flooding, storm, erosion and sea-level rise threats at this location. The entire Big Island coast experiences active seismicity associated with the volcanic activity of Kilauea.¹

¹ Fletcher, Grossman, Richmond & Gibbs. 2002. Atlas of Natural Hazards in the Hawaiian Coastal Zone. Department of the Interior, USGS

The property is devoid of structures with the exception of a livestock feeding shack located at the southern end of the property that will not be disturbed, removed or altered during construction. It is believed that the parcel was formerly the site of livestock ranching. Evidence of land clearing is present by the lack of mature trees in flat areas along with an old barbwire fence bordering the property. \approx 2-acres had been ranched at one time.

According to the applicant, surface elevations of the parcel range from about sea level to 200-feet above sea level. The residence is proposed at about the 170-180-foot elevation. The area receives about 150" of rain a year. Most of the property consists of steep cliffs that have been eroded by the stream and ocean. Some tsunami damage has taken place in the past.

The southern side of the property where the residence is proposed is relatively flat with \approx 5% slope towards Kolekole stream. The site appears to be Hilo series soils that consists of well-drained silty clay loams on gentle to steep slopes with rapid permeability and slow to medium runoff. This soil is characterized as having low bearing capacity, high compressibility, low shear strength, high shrinkage and high organic content.

There are several mature and small trees and scattered shrubbery. Existing landscaping consists of introduced species. Existing landscaping consists of non-native and Polynesian introduced species such as bamboo, ape, ti leaf, banana, coconut, kukui, uhi and the native hala, hau, maidenhair fern.

No mammals were observe, however feral animals such as dogs, pigs, cats, mongoose, rats and chickens may traverse the property. The Hawaiian Hoary Bat has been observed in the area. The endangered Hawaiian Hawk may occasionally be seen within the Kolekole stream gulch. It is believed there are no known rare, threatened, or endangered species of flora, fauna or significant habitats that exist on the project site.

An archeological assessment and cultural impact assessment was completed for the property. Based upon a preliminary review of the documents, the Historic Preservation Division believes that no historic properties will be affected by the proposal. There are no known cultural practices that take place on or near the property.

Primary access is from Mamalahoa Hwy. (Wailea Rd.) owned by the County of Hawaii. This road is a one to two lane asphalt road with little to no shoulder. There is little traffic. This scenic drive road provides access to some residences of Wailea and Kolekole Beach Park. Utility services are available to this area.

PROPOSED USE (Exhibits 5, 6, 7, 8 & 9)

According to the application, the proposed 3,782-ft² SFR project consists of a two-story residence; an attached two-story out-building/shed; and a pool with deck and related improvements. The \approx 2,546-ft² proposed residence includes 2 bedrooms, a bedroom/library, 2 baths, a kitchen, entry room, staircase, great room, a 420-ft² patio/balcony, storage, tiki columns, and fireplaces. The proposed attached 349-ft² shed consists of two floors of \approx 174.5-ft² and its primary use will be storage.

An on-grade black marble or shale deck including the swimming pool is proposed on the eastern side of the residence. The pool is oval and $\approx 22' \times 33'$ and -10-ft to -4-ft deep. The pool is proposed to be painted blue with night lighting inside the pool with a small artificial waterfall and tiki lighting outside.

Related sited improvements include a concrete or concrete blocks of an area of 2,557-ft² for a 12' x 100' long driveway with parking for 3 cars; a lava rock wall with water feature and gate; replacement and additional property boundary and pool fencing; underground water tank and septic system installation; sidewalks, retaining walls and landscaping. Underground electrical, propane gas and water utilities will be required for the remote gate, landscaping and water features. .

The site is relatively flat and slopes toward Kolekole stream. Storm water erosion control is required for the property by the County Department of Public Works. Driveway siting will be done in accordance with the County of Hawaii, Public Works. Grading will include contouring the land to be flat for the proposed driveway, attached shed, pool and residence. Earthmoving will be required with ≈ 225 cu yds. of cut and 212 cu. yds. The balance of soil will be used on site for landscaping. Retaining walls to a maximum height of 6-feet will be located on the eastern and western side of the home site. Overgrown brush and trees that are present on the proposed site will be bulldozed. Should an agreement be reached with HELCO, eventually there may be trenching for utility pole installations Slopes equal or greater than 20° will not be disturbed.

Photovoltaic and a back-up generator are being proposed for electrical power. Two 500-gallon underground propane tanks will be placed ≈ 10 -feet from the southwest side of the house. Solid waste will be disposed of in accordance with County regulations. A local cell phone company will provide phone service.

A private water line may be trenched pursuant to the County's Public Works guidelines. Trenching of $\approx 2,070$ feet may take place in the Mamalahoa Hwy right of way to the site. An alternative would be to drill a well on the property subject to State and County requirements. A second alternative would be a rainwater collection system. An underground 10,000-gallon water tank would be located on the north side of the residence. Rainwater would be collected from the roof of the home and piped to the holding tank. The area receives a sufficient amount of rainwater for potable use.

The Wailea area is not served by municipal sewer system. A septic system consisting of an underground septic tank with leach fields along the property's eastern boundary that conforms to the Department of Health's Wastewater System is proposed. The septic system will be placed in the front yard area toward the east. The septic tank and leach field will be located greater than 50-feet from any creek or stream.

The home shall comply with Chapter 13-5, Hawaii Administrative Rules, Single Family Residential Standards, Exhibit 4. The house will consist of cinder block walls with exterior lava rock. Areas that will be impacted by construction mainly consist of Hilo grass and overgrown vines. An Albizia, palm trees, guava and shrubs will also be removed. The site will only be planted with native plants appropriate to climatic

conditions that includes: ti-leaf, ilima, Ohia, hala, loulu, Hawaiian tree fern, aalii and taro.

According to the applicant, the project site does not appear to support any known traditional resource uses nor are there any traditional Hawaiian customary practices known to be associated with the property. In the event that archaeological resource or human remains are encountered during development activities within the applicant's property, work in the immediate area of the discovery shall be halted and SHPD shall be contacted.

Grading for the driveway and house lot will include best management practices to minimize the potential for sedimentation, erosion and pollution of coastal waters. All earthwork and grading shall be in conformance with County of Hawaii and State regulations. Sound associated with the construction of the improvements will be intermittent and shall be limited to daylight hours. The applicant has proposed a number of conditions and mitigative actions in the EA to minimize the potential impacts of construction and the completed residence to protect and improve the natural resources on the property.

Alternative

With no action, the lot would remain unused. Inappropriate entry to the property with trash, bulky item dumping could occur. Management or stewardship of the land most likely would not take place. No other alternatives were proposed.

SUMMARY OF COMMENTS

This application was referred to the following agencies for their review and comment: the **State:** Department of Health; Office of Hawaiian Affairs; Office of Environmental Quality Control; Department of Land and Natural Resources Divisions of: Conservation and Resource Enforcement, Engineering, Forestry and Wildlife, Hawaii District Land Office, Historic Preservation; and the **County of Hawaii:** Department of Planning and the Department of Public Works. In addition, this application was also sent to the nearest public library, the Hilo State Library, to make this information readily available to those who may wish to review it.

Responses were received and have been summarized from the following agencies:

STATE OF HAWAII

DEPARTMENT OF HEALTH (DOH)

Regarding wastewater treatment and disposal. We have no objections to the project as there is adequate land area for the installation of an Individual Wastewater System, such as a septic tank system to service up to five bedrooms or bedroom like rooms.

All wastewater plans must conform to applicable provisions of the Department of Health's HAR, §11-62 Wastewater Systems. We do reserve the right to review the detailed wastewater plans for conformance to applicable rules

OFFICE OF HAWAIIAN AFFAIRS

While we sincerely appreciate any effort to consult with individuals recommended by OHA, we would like to know specific details on this consultation effort. We responded to a cultural impact assessment consultation request. We request clarification on the status of this CIA as we see no mention of it in the CDUA or DEA.

We caution against using findings for an archaeological assessment for the Kolekole Bridge as the assessment details describe steep cliffs that are well removed from the project area that is on relatively flat stable land. Thus, the findings of the assessment may not be applicable. In general, the proposed location on a flat stable area adjacent to a stream indicates the potential for archaeological and cultural sites.

The CDUA indicated that erosion control measures will be implemented and employed for the duration of certain project activities, but offer no specific details on what these measures will be. We encourage consideration of standard best management practices, which have been developed to protect stream and near-shore water quality.

We appreciate and concur with the statement that all landscaping be native flora

Applicant's response

Scientific Consulting Services, Inc. (SCS) performed a Cultural Impact Assessment (CIA). The report was not completed during the submittal of the Draft EA. A "revised" DEA had been republished to allow additional time for comments.

Erosion control was included in the Draft EA (Sec. 3.3.1) and revised to include "best management practices." The landowner and contractors will do everything possible to prevent sediment/pollution from entering Kolekole stream.

The final EA includes a revised landscaping plan with all native flora.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Engineering

According to the Flood Insurance Rate Map (FIRM) the property is located in an area of minimal tsunami inundation. The National Flood Insurance Program does not have any regulations for developments within the minimal tsunami inundation areas.

Forestry and Wildlife

No comments

Hawaii District Land Office

No comments

Historic Preservation Division

We recently received an archaeological assessment report. The report was not attached to the CDUA or EA. We will be sending review comments to the report author once it has been formally submitted to SHPD pursuant to HAR §13-284.4. Based on a preliminary review of the document, it appears that the project area was adequately covered by a systematic pedestrian survey, and that no historic properties were identified. To the extent that all project related land alteration occurs within parcel 003, we believe that no historic properties will be affected by the proposed construction.

Applicant's response

Scientific Consulting Services performed a Cultural Impact Assessment (CIA) and Archeological Assessment. We believed the documents were forwarded to your Office in December 2010. I was informed that SHPD received a hard copy on March 22, 2011. A revised DEA had been republished to allow additional time for comments because the documents were not originally included.

Office of Conservation and Coastal Lands

As previously stated, the OCCL continues to have concerns regarding the siting and design of the two-story detached structure noted as a shed, and must consider whether it is consistent with the rules and regulations of the Conservation District and suitable for the subject location. A two-story structure with 4 arched windows, a stairwell and 3 entrances appears to be beyond the definition of a shed. You may wish to provide an alternative location that is attached to the residence such as outside of the laundry room, bedroom 2 or the walk in closet so that the Board may consider the attached structure rather than disallowing the detached use altogether.

Applicant's response

Staff notes: The final EA and final conceptual house plans indicate that the detached shed has been attached to the home.

COUNTY OF HAWAII

Department of Planning

The County of Hawaii's General Plan, as amended on Feb. 2005 is a policy document for the long-range comprehensive development of the island of Hawaii. §7.5.2 South Hilo, Kolekole gulch is listed as a natural beauty site. In view of the foregoing, development of the property should be designed and constructed in a way to minimize obstruction of the scenic views of Kolekole Gulch from Kolekole Bridge and the Old Mamalahoa Hwy.

We strongly recommend that the color scheme selected for the structures utilize colors that would allow it to blend in with the surrounding landscape.

Applicant's response

The project includes using earth tones such as lava rock to blend with Kolekole stream, basalt cliff outcrops and the Kolekole pebble beach. Based on the undisturbed areas and the landscaping plan, the majority of the home will be hidden from most view points.

NON-AGENCY COMMENTS

Hawaii Electric Light Company, Inc. (HELCO)

The proposal included in the CDUA was a rough cost proposal without all details. We are unable to concur with the routing of electrical lines and easements at this time. There is an existing HELCO utility easement on the parcel however. HELCO does not normally "obtain" easement rights for the owners of private property. Typically, the owner furnishes the easement rights to HELCO and HELCO prepares the necessary documents.

Applicant's response

We look forward in working with HELCO and will follow all required procedures of obtaining new electrical service. If an agreement cannot be established, the residence will use photovoltaic and back-up generator for power generation.

ANALYSIS

After reviewing the application, by correspondence dated July 12, 2011, the Department has found that:

1. The proposed use is an identified land use in the Resource subzone of the Conservation District, pursuant to §13-5-24, Hawaii Administrative Rules (HAR), R-8, SINGLE FAMILY RESIDENCE, (D-1), " A single family residence that conforms to design standards as outlined in this chapter." Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to §13-5-40 of the HAR, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawai'i Revised Statutes (HRS), as amended, and Chapter 11-200, the Final Environmental Assessment (FEA) was published in the Office of Environmental Quality Control's *Environmental Notice* on June 8, 2011; and
4. The proposed project is not within the Special Management Area.

Notice of this CDUA was published in the Office of Environmental Quality Control's *Environmental Notice* on July 23, 2011.

CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30, HAR.

1. *The proposed land use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The proposed house site has been previously disturbed with agricultural activities. The applicant will be constructing a residence on private property in compliance with applicable laws of the federal, state and county agencies. The applicant will be removing some non-native flora and replacing with native species. Thus staff believes that the property will be appropriately managed to conserve, protect and preserve the natural resources.

However, it is noted that the residence is sited in a gulch, next to a stream. It is noted that at the low-lying nearby Kolekole Beach Park, the Overall Hazard Assessment is elevated to very high because of the increased tsunami, stream flooding, storm, erosion and sea-level rise threats at this location. The entire Big Island coast experiences active seismicity associated with the volcanic activity of Kilauea. Staff believes the applicant is aware of the natural hazards of the area.

2. *The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.*

The objective of the Resource subzone is to develop with proper management, areas to ensure sustained use of the natural resources of those areas. A Single Family Residence is an identified land use that could be applied for within the Resource subzone. The proposed dwelling shall be built to comply with all Federal, State and County regulations and shall be constructed in accordance with Chapter 13-5, Exhibit 4 Single Family Residential Standards.

3. *The proposed land use complies with provisions and guidelines contained in Chapter 205, HRS, entitled "Coastal Zone Management," where applicable.*

The proposal does not lie within the Special Management Area.

Staff believes the proposed land use complies with applicable provisions and guidelines related to Coastal Zone Management. Staff notes that the applicant shall be replacing and increasing the native flora on the lot. Historic sites and cultural uses have been assessed.

4. *The proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community, or region.*

As the proposal is relatively small and the applicant has proposed mitigation to offset adverse impacts such as view planes from Kolekole Park, the Highways and community noted as Kaiwiki homesteads, staff believes adverse impacts to the existing natural resources within the surrounding area has been reduced.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding area, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The area is along the Hamakua coastline in North Hilo. The level of service to the area appears to be good in regards to emergency response time, road maintenance and adequate access to utilities.

The applicant shall conform to the design standard of Chapter 13-5, HAR single-family residential standards and has proposed appropriate landscaping.

6. *The existing physical and environmental aspect of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, which ever is applicable.*

The physical and environmental aspect of the site is adjacent to a stream. Potential challenges in regards to natural hazards have been identified and the applicant is made aware. An on site resident will allow for the management of the property to prevent illegal dumping and improve the native landscape.

7. *Subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed for this project.

8. *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

There shall be short-term noise and it is expected that the public health, safety and welfare would most likely be unaffected by the construction and the use of the area as a residence. Potential impacts will be mitigated in accordance with the Department of Health regulations. There is no public access to the property. The majority of the property will be kept in its natural condition.

DISCUSSION

The applicant would like to construct a residence on his private land. There are other residences outside of the Conservation District in Wailea. The property has been previously disturbed with evidence of agricultural uses. With the nearby fresh water source and Polynesian introduced plants such as ti leaf, banana, coconut, kukui, and uhi that exist on the property, it appears that the area may have been settled prior to western contact and agricultural uses.

The County of Hawaii has identified Kolekole gulch as a natural beauty site. The project has the potential to impact open space and some view plains. The applicant is proposing to use a lava rock facade to blend with Kolekole Stream, the basalt cliff outcrops, and the Kolekole pebble beach. The landscaping, and the amount of undisturbed areas, will shield the residence from the main view plains towards Kolekole Park, the highway, and the Kaiwiki homesteads.

Mitigation commitments contained in the CDUA and final Environmental Assessment, are to be incorporated into the project during design and construction. The proposed dwelling and related improvements shall be built to comply with all Federal, State and County regulations and shall be constructed in accordance with Chapter 13-5, Exhibit 4 Single Family Residential Standards.

As noted, the residence is sited in a gulch, next to a stream. The hazard assessment near this vicinity is high because of the potential for tsunami, stream flooding, storm, erosion and sea level rise threats. The entire Big Island coast experiences active seismicity associated with the volcanic activity of Kilauea. Staff believes the applicant is aware of the natural hazards of the area.

RECOMMENDATION:

Staff recommends that the Board of Land and Natural Resources APPROVE this application for a Single Family Residence and related improvements as identified in CDUA HA-3599 located at Kolekole Gulch, Wailea, North Hilo, Island of Hawaii, TMK: (3) 2-9-003:003 subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawaii Administrative Rules (HAR) §11-60.1-33, Fugitive Dust; Chapter 11-46, Community Noise Control; and Chapter 11-62, Wastewater;
4. The single-family dwelling shall not be used for rental or any other commercial purposes unless approved by the Board;
5. All mitigation measures set forth in the application materials, and in the final environmental assessment for this project are hereby incorporated as conditions of the permit ;

6. The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
7. Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
8. Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
9. The applicant will minimize visual impacts using appropriate house color and landscaping;
10. The applicant shall obtain all applicable permits from Hawaii County prior to construction. The applicant shall obtain a County of Hawaii Building and Grading Permit;
11. The applicant shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
12. Obstruction of public roads, trails, and pathways shall be minimized. If obstruction is unavoidable, the applicant shall provide roads, trails, or pathways acceptable to the department;
13. Except in case of public highways, access roads shall be limited to a maximum of two lanes;
14. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
15. Cleared areas shall be revegetated within thirty days unless otherwise provided for in a plan on file with and approved by the department;
16. Use of the area shall conform to the program of appropriate soil and water conservation district or plan approved by and on file with the Department, where applicable;
17. Artificial light from exterior lighting fixtures, including but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates or is directed across property boundaries, except as may be permitted pursuant to §205A-71, HRS;

18. The applicant/landowner shall execute a waiver and indemnity prior to submitting construction plans for approval that is satisfactory to the Department;
19. In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
20. During construction, activities shall be in accordance with an approved plan by the State Historic Preservation Division (SHPD);
21. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (808-692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
22. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
23. Potable water supply and sanitation facilities shall have the approval of the appropriate agencies;
24. Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
25. The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
26. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the environment;
27. The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of the Hawaii Administrative Rules (Title 13-5);
28. The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project

site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;

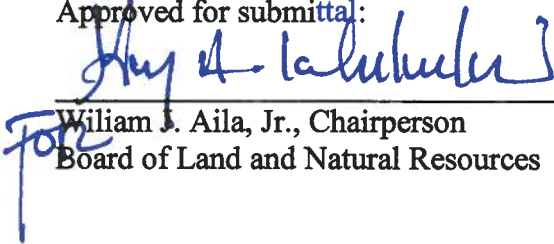
29. Other terms and conditions as may be prescribed by the Chairperson; and
30. Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Respectfully submitted,



K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Land

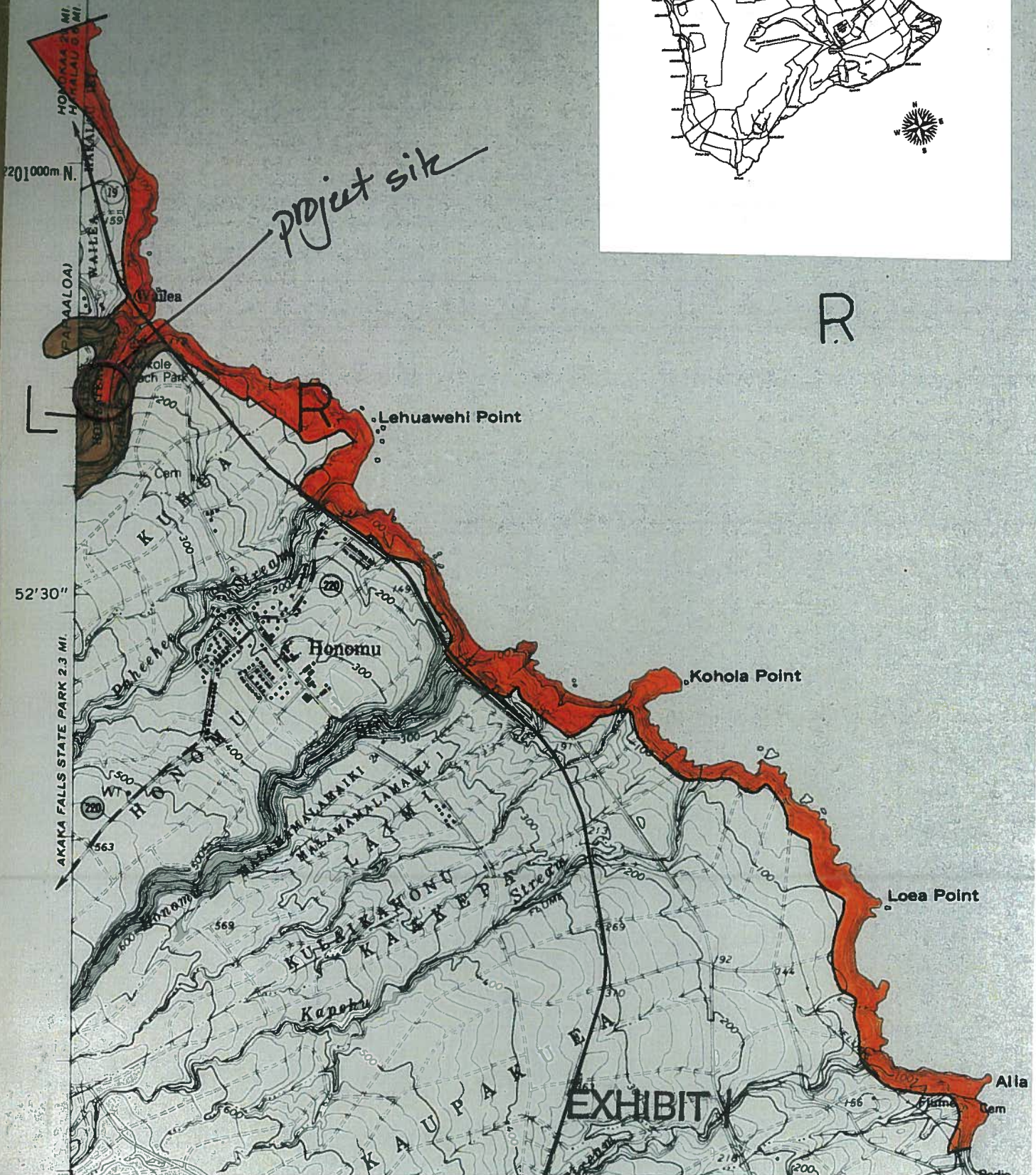
Approved for submittal:



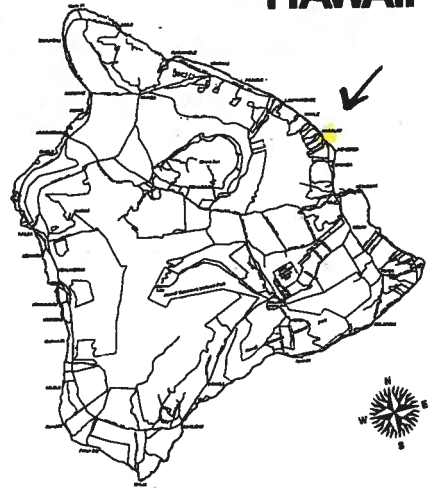
William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

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19°54'



HAWAII



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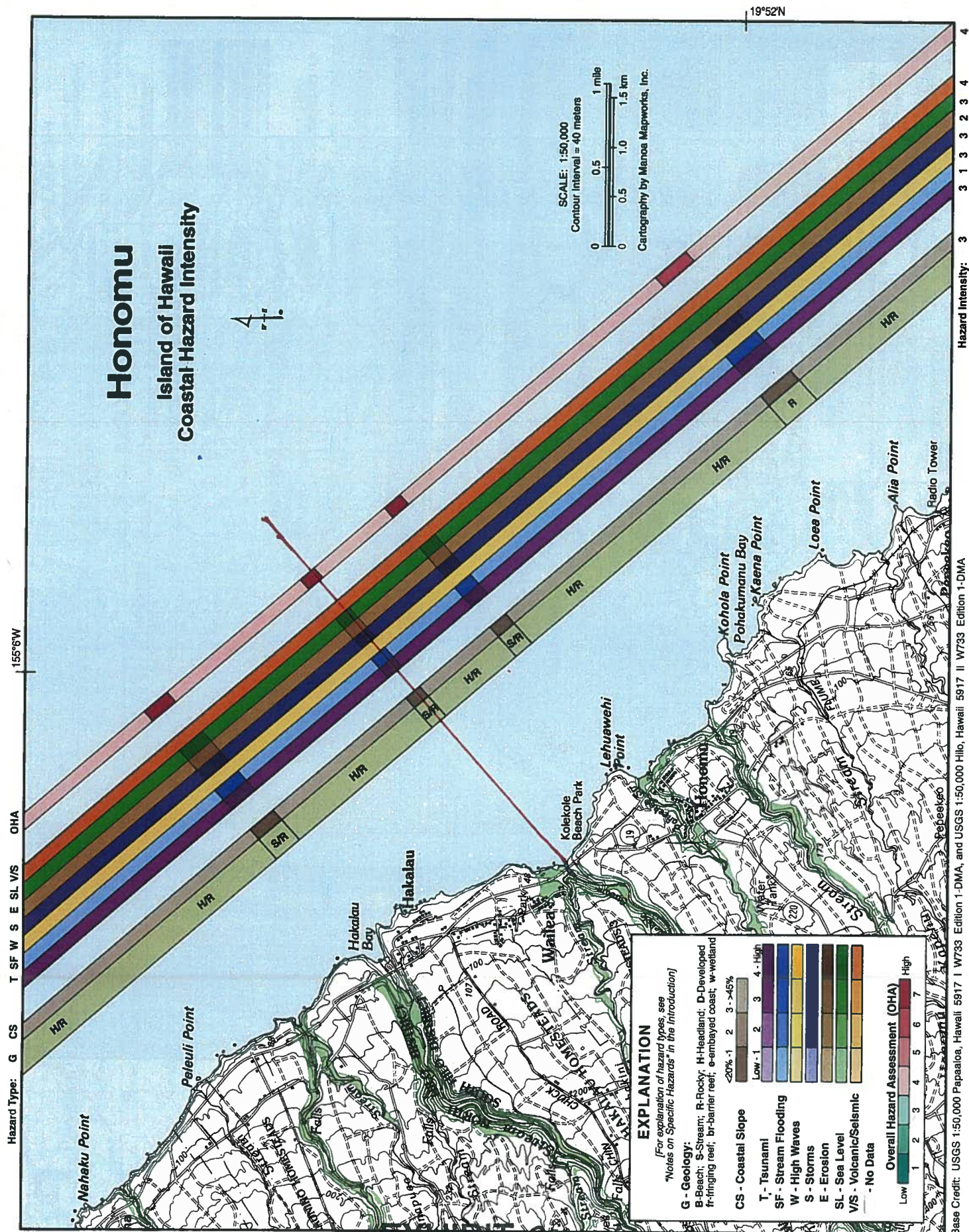


EXHIBIT 2

Figure 3 Photo from Kolekole Beach Park camping area (A) looking South showing dense vegetation and a faraway viewing distance will entirely obstruct view of home. The letter “B” is the location referenced on Figure 2.

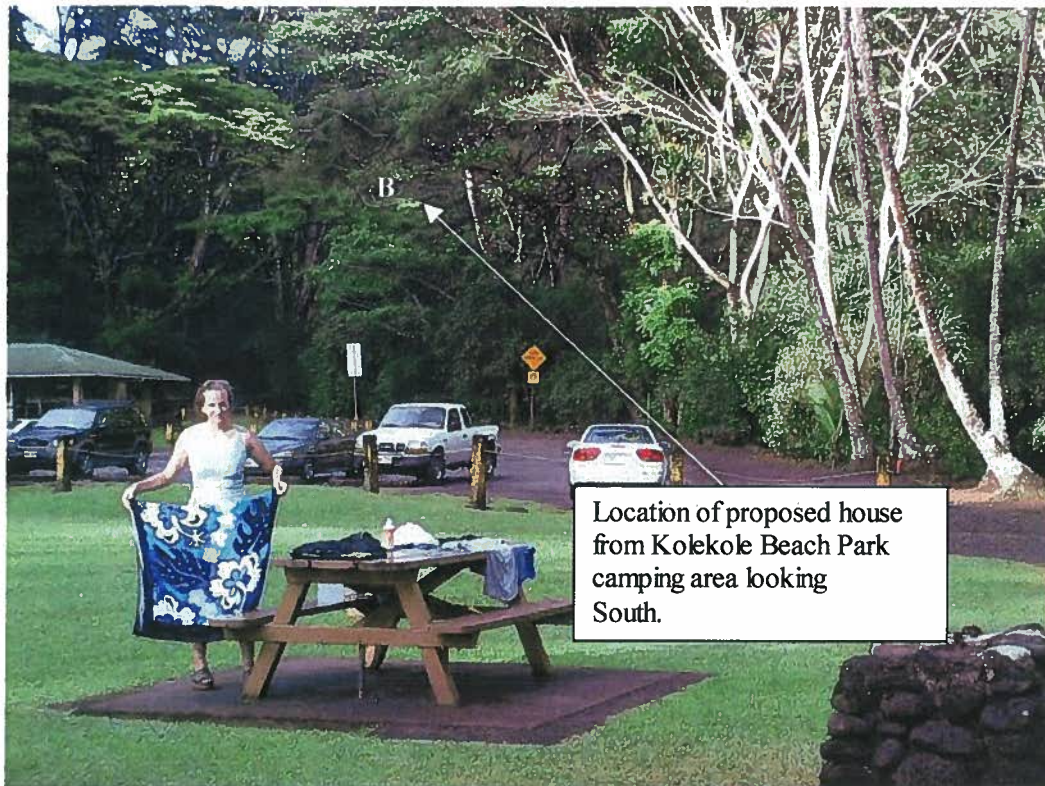
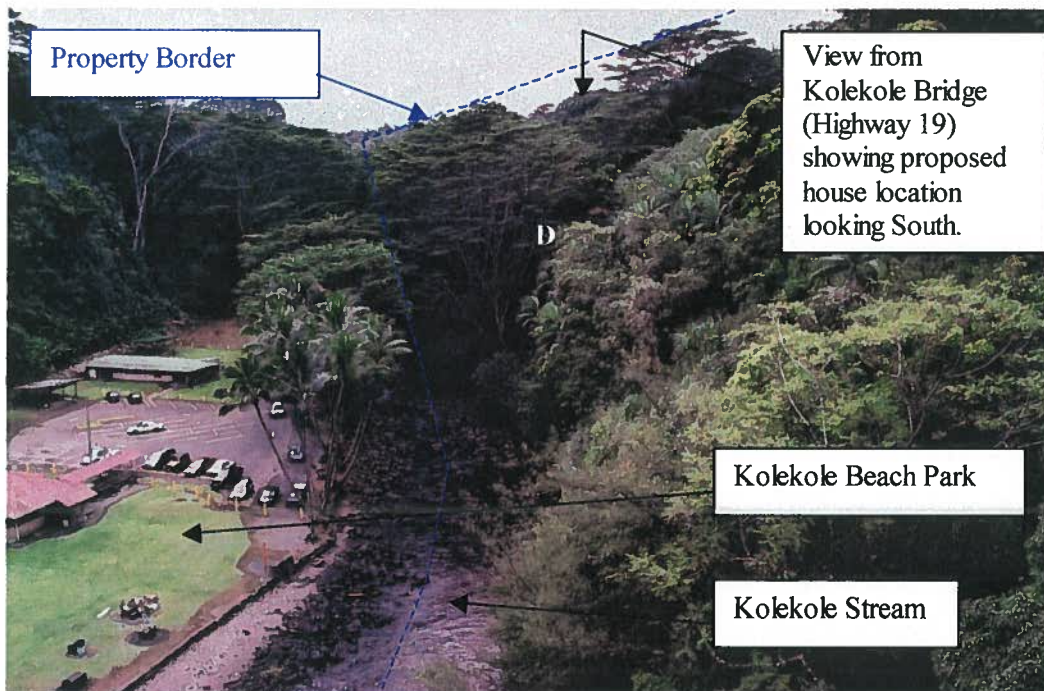


Figure 4 Photo looking South from Kolekole Bridge (C) with Kolekole Beach Park in the foreground. Vegetation and a faraway viewing distance will obstruct view of home from Highway 19. The letter “D” is the location referenced on Figure 2.



View Plan Analysis

The map displays an aerial view of the Kulekole Beach Park area. A yellow-shaded region represents TMK 329003003, and a pink-shaded region represents TMK 329003039. A blue line indicates a stream, and a red line marks a visible viewing location. The map includes a legend, a scale bar (50, 25, 0, 50 Meters and 200, 100, 0, 200 Feet), an inset map of Hawaii, and a north arrow. The date 06/26/10 Rev 3 is noted in the bottom right.

Goehring
Rev 10

Figure 5 Before photo showing estimated house location from Mamalahoa Highway (Wailea Road -E) looking North. The letter “F” is the location referenced on Figure 2 (not to scale).



Figure 6 After Photo showing estimated house location from Mamalahoa Highway (Wailea Road) looking North (not to scale).



Rear 3D View (not to scale)



EXHIBIT 6

HOME DESIGNS
117 HULLY DRIVE
SUITE B1
KNOXVILLE, TN 37922
(615) 694-4477
FAX: (615) 694-4470
WWW.SCHONERDESIGNS.COM

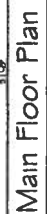


EXHIBIT 7

